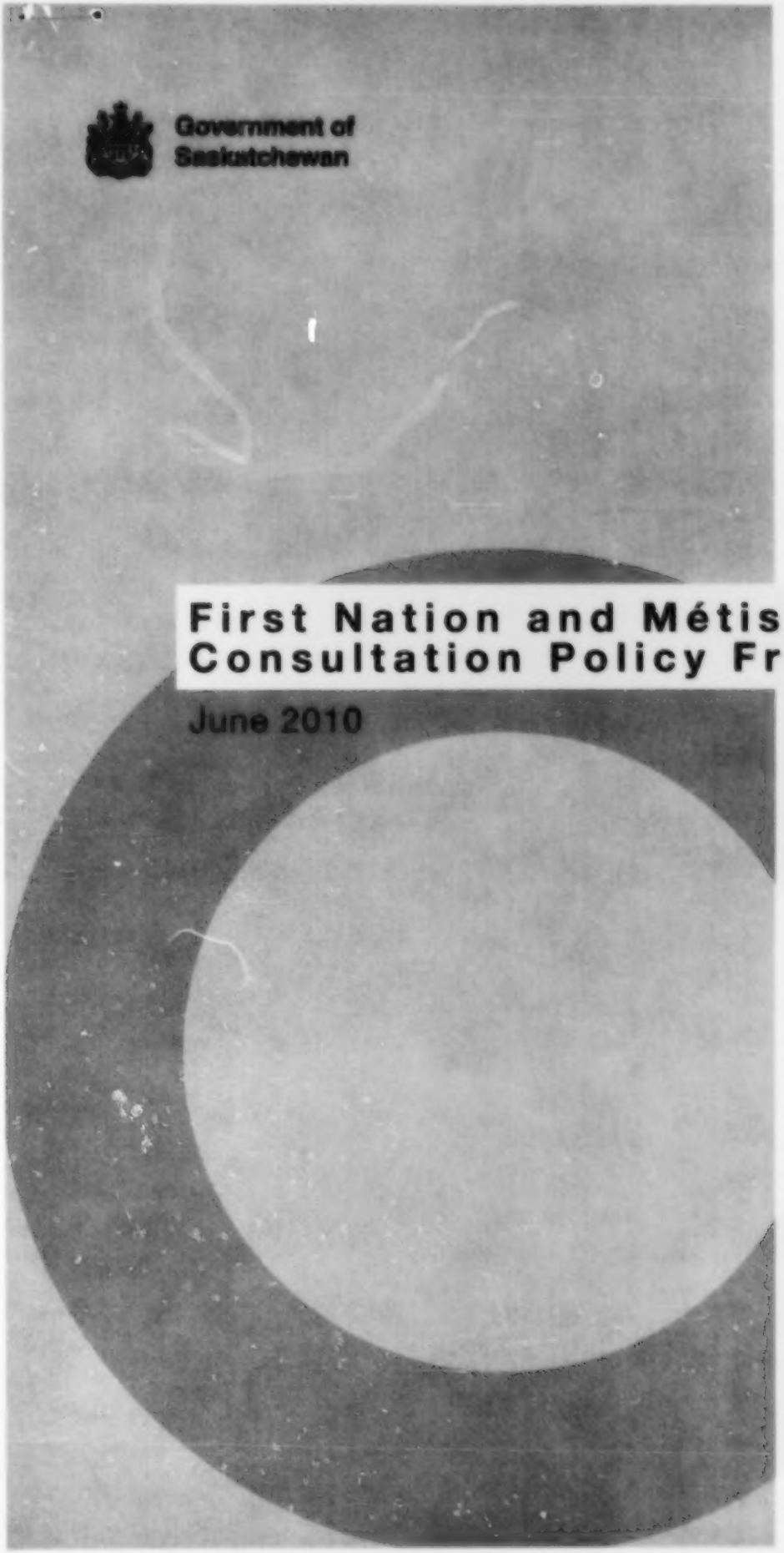

Government of Saskatchewan

First Nation and Métis Consultation Policy Framework

June 2010

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1. Introduction

The *Government of Saskatchewan First Nation and Métis Consultation Policy Framework* (Consultation Policy Framework) presents the Government of Saskatchewan's policy on consultation with First Nations and Métis communities for use by Government ministries, agencies, Crown corporations, First Nations, Métis and proponents. It includes the Duty to Consult Policy, a section on the policy's application to decisions affecting lands and resources, a policy context section and a section on interest-based engagement. The *Consultation Policy Framework* will also provide direction to Government ministries, agencies and Crown corporations to establish operational procedures to consistently implement the consultation policy across Government.

In accordance with this Policy Framework, the Government of Saskatchewan is responsible for determining whether a duty to consult is triggered and if so, the level of consultation required. In the case of asserted rights, the Government is also responsible for determining whether there is a credible basis for the claim. Government decision-makers requiring assistance interpreting this policy, undertaking pre-consultation assessments and developing consultation plans are encouraged to contact the Aboriginal Consultation Branch, Ministry of First Nations and Métis Relations by e-mailing Aboriginal.Consultation@gov.sk.ca or phoning toll-free, 1-877-879-7099.

Although the focus of this policy is on consultation as it applies to Treaty and Aboriginal rights associated with lands and renewable resources, it does not exclude application to other Treaty and Aboriginal rights.

This policy takes effect June 2010, replacing the *Government of Saskatchewan Interim Guide for Consultation with First Nations and Métis People*. It will be reviewed and updated when required to ensure consistency with case law, legislation and/or policy.

2. Duty to Consult Policy

Policy Statement

The Government of Saskatchewan will consult with and accommodate, as appropriate, First Nations and rights-bearing Métis communities in advance of decisions or actions which may adversely impact Treaty and Aboriginal rights.

Policy Goal

The goal of this policy is to facilitate mutually beneficial relationships among the Government of Saskatchewan, First Nations, Métis and industry that contribute to a growing provincial economy.

Objectives of the Duty to Consult

1. To respect and protect Treaty and Aboriginal rights by ensuring, through the consultation process and subsequent decisions, that negative impacts on these rights and uses are avoided, minimized or mitigated and rights are accommodated, as appropriate;

2. To advance the process of reconciliation between Aboriginal and non-Aboriginal peoples and their respective claims, interests and ambitions; and

3. To promote certainty, predictability and a stable, secure investment climate for the residents of Saskatchewan, including First Nation and Métis communities.

Guiding Principles

Integrity and Good Faith

The duty to consult is grounded in the honour of the Crown. The Government will approach consultations with an open mind, conduct itself with integrity during consultation processes and deal in good faith with First Nations and Métis people. The Government will listen to and respond to First Nations and Métis concerns respecting potential impacts on Treaty or Aboriginal rights and consider them when making decisions.

Respect

Consultations with First Nations and Métis communities will be undertaken in a spirit of mutual respect and trust. For example, cultural practices, such as opening prayers, will be respected and traditional knowledge will be taken into consideration. As the holders of Treaty and/or Aboriginal rights, the Government does not consider First Nations and Métis to be "stakeholders."

Government's Duty

On matters subject to provincial jurisdiction, the duty to consult lies with the Government of Saskatchewan. The Government will not delegate the duty to project proponents or other third parties, although proponents have an important role in the procedural aspects of consultation processes. Government retains final decision-making authority; First Nations and Métis do not have a veto over decisions.

Reciprocal Responsibility

There is a reciprocal responsibility on First Nation and Métis communities to participate in the consultation process in good faith, to make their concerns respecting potential impacts on Treaty and Aboriginal rights known and to respond to the Government's attempts to consult.

Transparency and Accountability

Consultation processes will be transparent, accountable, timely and results-based.

Communication

Successful consultation depends on clear, open and honest communication between the Government of Saskatchewan and First Nations and Métis communities with potentially impacted rights. For example, technical information should be in plain language and translation provided, if necessary.

3. The Duty to Consult as Applied to Lands and Resources

A. Application of the Duty to Consult

Policy Application

This policy applies to Government decisions and actions that have the potential to adversely impact the exercise of:

1. Treaty and Aboriginal rights, such as the right to hunt, fish and trap for food on unoccupied Crown lands and other lands to which First Nations and Métis have a right of access for these purposes; and
2. Traditional uses of lands and resources, such as the gathering of plants for food and medicinal purposes and the carrying out of ceremonial and spiritual observances and practices on unoccupied Crown lands and other lands to which First Nations and Métis have a right of access for these purposes.

Decisions Subject to the Duty to Consult Policy

The duty to consult may be triggered by Government decisions and actions that have the potential to adversely impact the exercise of Treaty and Aboriginal rights and pursuit of traditional uses. The decisions and actions that will be assessed by Government for potential consultation obligations include, but are not limited to, the following:

Legislation, Regulation, Policy and Strategic Plans

Creating a new or amended piece of legislation, regulation, policy or strategic plan that may have the effect of limiting or altering the use of Crown lands and renewable resources.

Fish and Wildlife Management

A decision that may limit or alter the quality and quantity of fish and wildlife or the right of access to these resources.

Resource Extraction

A decision related to the harvesting and processing of timber or the permitting and licensing of Crown surface lands for extraction and production of minerals.

Land Reservations

Any action that has the effect of restricting the use of unoccupied Crown lands and other lands to which there is a right of access.

Land Use Planning

Land use planning activities that provide a long-term framework for Government decisions.

Lease, Grant or Sale of Unoccupied Crown Land

Decisions related to the long-term lease, granting or sale of unoccupied Crown land.

Changes to Public Access

A decision that will have the effect of changing public access to Crown lands and renewable resources.

Environmental Approvals

A decision where an activity has the potential to negatively impact the environment.

Matters Not Subject to the Duty to Consult Policy

Matters that do not trigger the duty to consult include, but are not limited to, the following:

Past Actions

The Government does not consider the duty to consult to be retroactive and therefore will not consult on decisions it made in the past.

Private Land and Leased Crown Agricultural Land

Private land owners and lessees of Crown agricultural lands have the right to control access to their private or leased lands. Treaty and Aboriginal rights and traditional uses can only be exercised on these lands with the permission of the land owner or lessee. Accordingly, decisions related to projects occurring on private lands or leased Crown agricultural lands are not subject to consultation under this policy unless the project has the potential to adversely impact Treaty and Aboriginal rights and traditional uses on unoccupied Crown lands, occupied Crown lands where the Crown permits access or Indian reserve lands in the general vicinity.

Aboriginal Title

The Government does not accept assertions by First Nations or Métis that Aboriginal title continues to exist with respect to either lands or resources in Saskatchewan. Accordingly, decisions claimed to adversely affect Aboriginal title are not subject to this policy.

Mineral Dispositions

The issuance of mineral dispositions under *The Crown Minerals Act* is not subject to this policy. These dispositions do not provide the disposition holder with a right of access to lands for purposes of mineral exploration and development. This policy will, however, apply where the Government is contemplating surface land use decisions related to mineral exploration and development that may have an impact on Treaty and Aboriginal rights and traditional uses.

Commercial Use of Resources

Commercial uses of resources by First Nations and Métis people, such as commercial trapping and fishing, are not subject to this policy. However, the importance of these pursuits is recognized by the Government and ministries will be guided by the Interest-Based Engagement section (see Section 5) when its decisions or actions have the potential to adversely impact commercial activities.

Emergency Situations

In emergency situations, such as flooding and forest fires, or where public health and safety and/or infrastructure are at immediate risk and response time is of the essence, consultation on potential impacts on Treaty and Aboriginal rights and traditional uses may not be feasible. The first priority is to address public safety. First Nations and/or Métis communities will be consulted on impacts to rights if time permits.

Roles and Responsibilities

The Provincial Government

The Government of Saskatchewan has administration and control over land and natural resources that were transferred from Canada to Saskatchewan under the *Natural Resources Transfer Agreement, 1930*, and will exercise its authority in the interests of all residents of Saskatchewan.

The Government is responsible and ultimately accountable for managing and implementing the duty to consult. The Government's consultation obligations will not be delegated to project proponents. The Government however, may assign procedural aspects of the consultation process to proponents, such as hosting information-sharing meetings. The Government may also provide advice to proponents and First Nations and Métis leadership on this policy and its implementation.

The Saskatchewan ministries and/or agencies responsible for renewable resource management and for authorizing activity on the surface of the land generally have responsibility for implementing the duty to consult. Crown corporations are usually proponents who secure authorizations from provincial ministries and, as such, the Government may assign procedural aspects of the consultation process to them. In instances where Crown corporations have a duty to consult, they will abide by this policy.

The Federal Government

The federal government will have a duty to consult and accommodate, as appropriate, as a result of federal decisions and actions that have the potential to adversely impact Treaty and Aboriginal rights. In order to ensure consultations in Saskatchewan are effective and efficient where jurisdictions overlap or where there is a joint responsibility, provincial ministries will endeavor to work with their federal counterparts to develop and implement joint processes.

First Nations and Métis Rights-Bearing Communities

First Nations and Métis are responsible for participating in the consultation process in good faith and in a timely manner, making their concerns known about adverse impacts on Treaty and Aboriginal rights and traditional uses and responding to the Government's attempts to consult.

Project Proponents

Proponents, by virtue of their knowledge of and participation in project activities, have an important and direct role in the consultation process to ensure both success and certainty. Proponents are expected to collaborate with Government in the provision of project information to potentially impacted First Nations and Métis communities. The information must be clear, accurate and complete, and in plain language where possible. Proponents may also be expected to participate in Government meetings with potentially impacted First Nations and Métis communities to discuss potential impacts of the proposed activity. Where an adverse impact on Treaty or Aboriginal rights and/or traditional uses is identified, proponents will be expected to work with Government and the parties being consulted to develop and implement measures to address these impacts.

Proponents are responsible for the costs associated with their engagement in consultation processes and procedural aspects that may be assigned to them by Government, as well as any necessary adjustments or actions to project activities required to avoid, minimize or mitigate adverse impacts on Treaty and Aboriginal rights and traditional uses.

Successful consultation depends, in part, on early engagement of proponents with First Nations and Métis communities. Proponents are encouraged to engage and build relationships with the affected First Nations and Métis. Establishing relationships with First Nations and Métis communities in advance of pursuing development of specific projects has proven to be an effective management practice.

Municipalities

Municipalities are established by provincial legislation and exercise powers delegated by the Provincial Government. Municipalities may have a duty to consult whenever they independently exercise their legal authority in a way that might adversely impact the exercise of Treaty and Aboriginal rights and/or traditional uses on unoccupied Crown land or other lands to which First Nations and Métis have a right of access. In cases where the municipality is the proponent of a development, the Government can assign procedural aspects of the consultation to the municipality, as it may with any other proponent.

Funding for Consultation

The Government recognizes that First Nations and Métis may require assistance to engage in meaningful consultations. The First Nations and Métis Consultation Participation Fund, administered by the Ministry of First Nations and Métis Relations, allows eligible First Nations and Métis entities to participate in consultations where the Provincial Government has determined that it has a duty to consult. More information can be found at: http://www.fnmr.gov.sk.ca/Consultation-Fund/.

Existing Processes for Consultation

Consultations undertaken in accordance with legislative requirements or regulatory processes, such as environmental assessment or land use planning, may be relied upon by the Crown to satisfy, in whole or in part, the duty to consult. In many cases, the duty to consult is carried out on a continuum from one decision-making stage to another, within ministries and across ministries.

B. Duty to Consult Guidelines

Purpose

The purpose of the Duty to Consult Guidelines is to provide consistent direction to all parties who are likely to use the Duty to Consult Policy, with the objective of having successful consultations. The Guidelines will also provide those ministries, agencies and Crown corporations that have consultation obligations with sufficient guidance to develop operational implementation procedures specific to their unique mandate and activities.

Consultation Process

Step 1: Pre-Consultation Assessment

Determining if consultation is required

The threshold for triggering the duty to consult is low. The courts have ruled that the nature, scope and intensity of the consultation required will vary along a spectrum according to the potential impact on rights arising from a Government activity or decision.

When determining if consultation is required, and the subsequent level of consultation activity that may be appropriate, Government will consider:

1. If the decision or action being contemplated has the potential to adversely impact a Treaty and/or Aboriginal right and/or traditional use;
2. The duration or length of time the potential adverse effect may persist; and
3. The magnitude or extent of the potential adverse impact.

The Consultation Matrix set out in Figure 1 will guide Government assessment on the level of consultation and time frames. If it is not clear whether an activity triggers a consultation requirement, Government ministries and agencies are advised to undertake a Level 2 Consultation as described in the Consultation Matrix.

Figure 1: Consultation Matrix

Potential Impact of Decisions or Actions on Treaty and Aboriginal Rights and Traditional Uses	Level of Consultation	Notification and Follow up	Timeline for response from First Nations/ Métis	Anticipated Timeline for Government Decision from Day of Notification
No impact.	**LEVEL 1**	No notification is required beyond what is typically provided to the public or is required by legislation.	N/A	N/A
Short-term disturbance to land and/or change in resource availability with potentially minor impact.	**LEVEL 2**	Written notice is provided.	Response requested within 21 days	Decision anticipated within 30 days
Short-term disturbance to land and/or a change in resource availability with a potentially significant impact. OR Long-term disturbance to land and/or change in resource availability and/or permanent uptake of land with a potentially minor impact.	**LEVEL 3**	Written notice is provided with offer to meet with community to discuss project and seek input. Follow up is not required, but may be appropriate.	Response requested within 30 days	Decision anticipated within 60 days Reporting back is not required but may be appropriate.
Long-term disturbance to land and/or change in resource availability with a potentially significant impact.	**LEVEL 4**	Contact First Nation and/or Métis community to advise of upcoming review and official notification to follow. Written notice is provided with offer to meet with community to discuss project and seek input. Follow up is required.	Response requested within 30 days	Decision anticipated within 90 days Reporting back is required.
Permanent disturbance to land and/or change in resource availability and/or permanent uptake of land with a potentially significant impact.	**LEVEL 5**	Contact First Nation and/or Métis community to advise of upcoming review and official notification to follow. Written notice is provided with offer to meet with community to discuss project, develop a consultation plan and determine capacity needs. Follow up is required.	Response requested within 45 days	Decision anticipated to exceed 90 days Reporting back is required.

The Government recognizes that there is a duty to consult in connection with the "taking up" or sale of Crown land as a result of the Supreme Court's decision in *Mikisew Cree*. The Government will assess the level of consultation required in these cases by examining the potential adverse impacts on the exercise of Treaty and Aboriginal rights and traditional uses. Where it is contemplated that the adverse impact will be minor, consultations will be assessed at Level 3. Where the adverse impacts will be significant, consultations will be assessed at Level 5.

When the decision under consideration is the renewal, extension or transfer of an existing disposition, only potential new adverse impacts on Treaty and Aboriginal rights and traditional uses will be considered in determining if consultations are required and what level of consultation is required. Where the renewal or extension is provided for in the original disposition and no changes to the authorized activity are contemplated, consultations will be assessed at a Level 1.

Identifying Potentially Impacted First Nations and Métis

Consultation is required with First Nations and rights-bearing Métis communities whose traditional territories coincide with the geographic area where the adverse impact would occur. Traditional territory refers to the geographic area within which First Nations and Métis people historically exercised Treaty and Aboriginal rights and undertook traditional uses and continue to do so today. There may be circumstances in which more than one First Nation and/or Métis community must be consulted owing to overlapping traditional territories.

Treaty and Aboriginal rights are collective rights held by a community of people. Consultations must therefore be targeted to the elected leaders or representatives of First Nations and Métis communities. For the purpose of these guidelines, the Government recognizes the Chief and Council of a First Nation, the President of a Métis Nation - Saskatchewan Local or their authorized designates. Regional or provincial First Nations and Métis entities may be consulted only if the elected leadership has delegated this authority through its constitutional decision-making process, and the consulting ministry has a written, signed copy of the authorization.

When in doubt as to whom to consult, Tribal Councils or the Métis Nation - Saskatchewan provincial head office may be contacted for advice.

Step 2: Consultation

Providing Notice

Notification will be provided in writing to the leadership in the First Nations and Métis communities that may potentially be adversely affected by a Government decision or action, or their delegates as noted above. Notification must be as early as possible and in advance of the decision to be made and may require the active participation of the proponent.

Notification should provide clear, complete and understandable information and include the following:

- Description of the decision or action that Government is contemplating that could adversely impact Treaty or Aboriginal rights;
- The extent, and likely duration of the impact on rights and traditional uses;
- Specific questions about the information being requested on impacts to Treaty and Aboriginal rights and traditional uses;
- Identification of a timeline for response from the community and the anticipated timeline for a Government decision following notification;
- An assessment of likely impacts on the environment and/or renewable resources; and
- Identification of any mechanisms that will be applied to mitigate potential impacts.

In keeping with the Consultation Matrix in Figure 1, adequate time should be allowed for the First Nations and/or Métis leadership to receive, consider and respond to the notification. Additional follow-up methods such as phone calls, registered letters or personal visits can be used as appropriate to ensure the First Nations and/or Métis communities are aware of the proposal.

Considering the Response

The First Nations and/or Métis response to Government's notification may confirm the Government's preliminary assessment of the potential impact of the proposed decision or action on Treaty and Aboriginal rights and traditional uses. In this case, a decision will be made to proceed, subject to appropriate mitigative measures.

Alternatively, the response may provide Government with a better understanding of potential impacts on Treaty and Aboriginal rights and traditional uses. Specific steps can then be taken to avoid, minimize or mitigate the impacts of its decisions or actions on those rights and uses. The Government response to concerns expressed by First Nations and/or Métis about potential impacts to the exercise of specific rights and/or traditional uses will be unique to the particular facts of the situation. Project proponents must be made aware that the content of the response(s) from First Nations and/or Métis community(ies) may affect the timelines for a decision.

Consultation may result in new information being identified. That information will then be applied to re-assess the impact or extent of the potential impact, and may elevate the level of consultation required. Such reassessment may result in new consultation activities and adjustments to associated timelines.

There may be circumstances where the First Nations or Métis response to the Government notification is an adverse impact to an asserted right not covered in this policy. In these cases, guidance should be sought from the Ministry of First Nations and Métis Relations.

Accommodating

An outcome of consultation could be actions to accommodate Treaty and/or Aboriginal rights and/or traditional uses. Accommodation means that the Government and the proponent will use what they have learned about impacts to rights and traditional uses during the consultation process to minimize or avert the adverse impacts by avoiding, changing, or amending the plan or action. In the event that a plan or development requires alteration, the proponent will be responsible for costs.

Accommodation may include one or more of the following:

- attaching certain conditions to approvals to undertake activities;
- requiring proponents to adjust the proposed activity or program;
- delaying making a decision or issuing an approval pending further consultations; or
- denying the application to conduct an activity.

In instances where a Government decision or action results in a significant, unavoidable infringement on Treaty and Aboriginal rights, financial compensation may be required for loss of use or access to exercise the right. Government will determine compensation on a case-by-case basis and will not address past actions.

Reporting Back

In keeping with guidance in the Consultation Matrix in Figure 1, the Government will report back to the First Nations and Métis leadership being consulted as to its decision. The report will explain the rationale for the decision, how First Nations and/or Métis concerns regarding impacts to Treaty and Aboriginal rights and traditional uses were taken into consideration and, where relevant, what form of accommodation was used to avoid or minimize impacts to those rights.

4. Context for the Duty to Consult

This section provides background information to assist the reader to understand the policy content and Government direction.

Treaty Context

Treaties are living, breathing documents that continue to bind us to promises made generations ago.[1] There are six different Treaties applicable in Saskatchewan – Treaty Nos. 2, 4, 5, 6, 8 and 10. The earliest of these Treaties, No. 2, was entered into in 1871. The purpose of the Treaties was to forge a new relationship between the Crown and First Nations and to open up the West for developments, like the construction of the transcontinental railway and agricultural settlement. The terms of each of these Treaties are similar. According to their written text, in exchange for giving up their title to the land, the First Nations received promises of reserve lands, guaranteed hunting, fishing and trapping rights, annual payments and other commitments. The oral histories of the First Nations offer a different view of the intent of the Treaties. It is not the purpose of this Policy to attempt to resolve these differences.

Treaty Rights Pertaining to the Duty to Consult

From the Province's perspective, the Treaty right that is most often engaged in connection with the duty to consult is the Treaty right to hunt, fish and trap for food. While the wording of this clause varies slightly from Treaty to Treaty, the clause in Treaty No. 6 is representative. It provides as follows:

> Her Majesty further agrees with Her said Indians that they, the said Indians, shall have right to pursue their avocations of hunting and fishing throughout the tract surrendered as hereinbefore described, subject to such regulations as may from time to time be made by Her Government of Her Dominion of Canada, and saving and excepting such tracts as may from time to time be required or taken up for settlement, mining, lumbering or other purposes by Her said Government of the Dominion of Canada, or by any of the subjects thereof duly authorized therefore by the said Government.[2]

These rights may be exercised on unoccupied Crown lands and other lands to which First Nations have a right of access for hunting, fishing and trapping throughout the Province by virtue of the provisions of paragraph 12 of the *Natural Resources Transfer Agreement* of 1930 which was the legal instrument that transferred administration and control of Crown lands from Canada to Saskatchewan. The duty to consult requires consultations with those First Nations whose traditional territories are potentially impacted by a proposed decision.

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[1] Speech from the Throne, 2007, Province of Saskatchewan, December 2007.

[2] Treaty 6, Indian Claims Commission: http://www.indianclaims.ca/publications/treaties-en.asp

Aboriginal Rights

While Treaty rights are enshrined in agreements between the Crown and First Nations, Aboriginal rights reflect the fact that Aboriginal communities existed in North America prior to the arrival of Europeans. Aboriginal rights encompass the customs, practices and traditions that were an integral part of the distinctive cultures of these communities prior to their first contact with Europeans and which continue to have this significance in their cultures today. Even though distinctive Métis communities did not arise until after contact between Europeans and First Nations, Métis also possess Aboriginal rights. These rights are determined by examining the customs, practices and traditions that were an integral part of the distinctive culture of Métis communities at the date when a European or Canadian government asserted effective control over the area and which continue to have this significance in the culture today. Aboriginal rights have always existed as part of the common law in Canada. Aboriginal rights were given constitutional status by section 35(1) of the *Constitution Act, 1982*. The courts have recognized that Métis Aboriginal rights to hunt, fish and trap for food exist in some parts of the Province, such as in Northern Saskatchewan.

Métis Aboriginal Rights Pertaining to the Duty to Consult

The Government recognizes that it has legal obligations to consult with rights-bearing Métis communities. The Métis Aboriginal right that is most often engaged in connection with the duty to consult is the Aboriginal right to hunt, fish and trap for food. One of the challenges associated with meeting the duty to consult for the Métis is the lack of consensus on the definition of a rights-bearing Métis community. To date, the courts suggest that these communities should be defined on a regional basis, as opposed to an individual community or a province-wide basis. The Government will consult with Métis leadership in communities or regions where Métis Aboriginal rights have already been recognized, such as in Northern Saskatchewan. Where Métis Aboriginal rights have not yet been recognized, the decision to consult will be made on a case-by-case basis. Government will take into account the strength of the claims supporting the asserted rights and the extent of the potential impact on the exercise of the asserted rights.

Asserted Rights

The Supreme Court recognized in *Haida Nation* that governments may be required to consult with First Nations and Métis communities when governments have knowledge, real or constructive, of asserted rights, even if governments do not recognize the rights being asserted. In these cases, consultations may be required where the Government determines that there is a credible basis for the asserted right and the community is actively pursuing recognition of the right either through negotiations or litigation. The degree of consultations required in these cases will depend upon the strength of the claim supporting the asserted right as well as the extent of the potential adverse impact from the proposed government action.

5. Interest-based Engagement

The Government of Saskatchewan recognizes the benefits of engaging First Nations and Métis when making decisions that affect their interests, people and communities.

There are important reasons to engage First Nations and Métis communities on issues that affect them, outside of any legal consultation obligations the Government may have. For many years, governments have been engaging citizens, stakeholders and First Nations and Métis communities and organizations as a matter of choice, in order to understand and integrate their interests into government decisions. This engagement is interest-based rather than rights-based.

The primary objective in undertaking interest-based engagement is to ensure that Government policies, plans and actions will effectively meet their intended goals and objectives. This is done by working with the particular group/s to better understand the nature of the policy problem and how it should be resolved. Engagement comes in many forms, such as information-sharing meetings, public hearings and meetings, advisory groups, surveys and polls and focus groups. In many cases, there is benefit in going beyond this kind of engagement to creating partnerships for joint action to solve a problem or take advantage of an opportunity.

Good interest-based engagement includes taking time to develop and maintain positive relations with First Nations and Métis communities. Both public and private sectors have realized that engaging Aboriginal people early, well before making policies or decisions, can avoid problems, delays and ultimately resources required to manage conflict.

Ministries will make best efforts to engage First Nations and Métis communities in the decision-making processes related to policies, programs and legislation that have the potential to directly impact them, where they have an interest or where First Nations have jurisdiction on-reserve. However, there may be situations where either the sensitive nature of a proposed policy change or its broad application may prevent the Government from consulting with any community in advance.